

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	M. Anastasios et al)	Atty Dkt. No. NREL #99-29
)	
Serial No. :	09/748,690)	
)	Group Art: 1651
Filing Date:	12/22/00)	Examiner: V. Afremova
)	
Title:	HYDROGEN PRODUCTION USING)	
	HYDROGENASE-CONTAINING)	
	OXYGENIC PHOTOSYNTHETIC)	
	ORGANISMS)	

AFFIDAVIT SWEARING BACK OF REFERENCE UNDER 37 CFR §1.131

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

AFFIDAVIT

Melis Anastasios, Liping Zhang, John R. Benemann, Maria Ghirardi, Michael Seibert
and Marc Forestier being duly sworn depose and say:

that they are the inventors who, on Dec. 22, 2002, filed the above-identified application;

that they completed their invention, having made and disclosed the same to others, in this
country prior to the Proceedings of the 1999 U.S. DOE Hydrogen Program Review of A. Melis
et al. , and prior to the publication date of SUSTAINED PHOTOBIOLOGICAL HYDROGEN
GAS PRODUCTION UPON REVERSIBLE INACTIVATION OF OXYGEN EVOLUTION IN
THE GREEN ALGA, *Chlamydomonas reinhardtii*;

that prior to 1999, they conducted the research that matured into this application, and a
photo-static copy of this research is attached hereto;

that they do not know and do not believe that the invention has been in public use or on
sale in this country, or patented or described in a printed publication in this or any foreign

country for more than one year prior to their application date, and they have never abandoned this invention.

Melis Anastasios

Liping Zhang

John R. Benemann

Maria Ghirardi

Michael Seibert

Marc Forestier

Sworn to and subscribed before me by the above-named applicants, this
_____ date of _____, 2002.

Notary Public